

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ JUL 21 2005 ★

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UNITED STATES OF AMERICA,

Plaintiffs,

v.

**AMENDED PARTIAL DECREE
OF FORFEITURE AND
ORDER FOR DELIVERY**

TWO HUNDRED SEVEN THOUSAND FOUR
HUNDRED SIXTY-SIX DOLLARS AND
THIRTEEN CENTS (\$207,466.13), MORE OR
LESS, IN UNITED STATES CURRENCY,
AND ALL PROCEEDS TRACEABLE
THERETO, AND THE PREMISES LOCATED
AT 65 BAY 11TH STREET, BROOKLYN,
NEW YORK 11228, AND ALL PROCEEDS
TRACEABLE THERETO,

Civil Action No.
CV 01-2377

(Garaufis, J.)
(Azrack, M.J.)

Defendants.
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UPON the joint application of the plaintiff United States of America and claimants Robert Melander, Laura Melander and Anne Melander, and the Declaration of Assistant United States Attorney Catherine M. Mirabile, dated January 28, 2005, with all exhibits annexed thereto,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to Title 18, United States Code, Sections 981 and 984, and Title 21, United States Code, Section 881, the defendant funds in the amount of one hundred seventy-two thousand six hundred ten dollars and thirteen cents (\$162,620.13) in United States currency, and all accrued interest, and all proceeds traceable thereto, is hereby forfeited and condemned to the use and benefit of the United States of America for the reasons set forth in the verified complaint in rem.

2. The United States Treasury Department shall return to claimants Laura Melander and

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CPS fwd'd
to ASAC Mirabile

Anne Melander, collectively, ten thousand dollars (\$10,000.00) of the defendant funds in the form of a check payable to "Stanford Bandelli, Esq., as attorney for claimants Laura Melander and Anne Melander," in the amount of ten thousand dollars (\$10,000.00). The United States Treasury Department shall cause the aforesaid check to be delivered to Assistant United States Attorney Catherine M. Mirabile, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 14th Floor, Brooklyn, New York 11201, who will then arrange for the check to be delivered to counsel for claimants Laura Melander and Anne Melander.

3. The United States Treasury Department and agents thereof, be, and the same hereby are, directed to dispose of the balance of the defendant funds in the sum of one hundred seventy-two thousand six hundred ten dollars and thirteen cents (\$162,620.13), and all accrued interest, and all proceeds traceable thereto, in accordance with all applicable laws and regulations.¹

4. Upon issuance and delivery of the aforesaid check to counsel for claimants Laura Melander and Anne Melander, the warrant of arrest for articles in rem previously executed upon the above-captioned defendant funds shall be vacated. Further, plaintiff United States of America withdraws any claim to the property located at 65 Bay 11th Street, Brooklyn, New York 11228 ("defendant premises").

¹ By Partial Decree of Forfeiture and Order for Delivery, dated October 10, 2002, the Government has already forfeited thirty-four thousand eight hundred forty-six dollars (\$34,846.00), and all proceeds traceable thereto, of the defendant funds, for which no individual claimed an interest to, in accordance with all applicable laws and regulations.

5. The Clerk of this Court shall forward six certified copies of this Amended Partial Decree of Forfeiture and Order to the United States Attorney for the Eastern District of New York, Attention: Assistant United States Attorney Catherine M. Mirabile, One Pierrepont Plaza, 14th Floor, Brooklyn, New York 11201, and shall then mark this case closed.

Dated: Brooklyn, New York

July 20, 2005

SIGNED/

HONORABLE NICHOLAS G. GARAUFI
United States District Judge